

State of California
AIR RESOURCES BOARD

EXECUTIVE ORDER G-08-011

June 17, 2008

WHEREAS, sections 39600 and 39601 of the Health and Safety Code authorize the Air Resources Board (ARB or Board) to adopt standards, rules, and regulations and to do such acts as may be necessary for the proper execution of the powers and duties granted to and imposed upon the Board by law;

WHEREAS, ARB Resolution 08-12, adopted February 28, 2008, details ARB's authority and role in quickly reducing emissions from freight movement along California's trade corridors under the Goods Movement Emission Reduction Program (Program) established by Senate Bill 88 (SB 88) (Stats. 2007, ch. 181) and Assembly Bill 201 (AB 201) (Stats. 2007, ch. 187) to implement the Highway Safety, Traffic Reduction, Air Quality and Port Security Bond Act of 2006, also known as Proposition 1B;

WHEREAS, ARB Resolution 08-12 sets forth the Board's action to adopt the *Proposition 1B Goods Movement Emission Reduction Program: Guidelines for Implementation* (Program Guidelines), which contained modifications to the originally proposed text set forth in the Proposed Program Guidelines, released February 4, 2008;

WHEREAS, ARB Resolution 08-12 states that until the next noticed Board hearing to consider changes to the adopted Program Guidelines for FY 2008-2009 funds, the Board delegates to the Executive Officer, and his or her designee, the authority to adopt such additional conforming modifications as may be appropriate or as necessary to ensure consistency with the modifications approved by the Board, and shall bring the proposed changes to the Board for further consideration if the Executive Officer determines that this is warranted;

WHEREAS, Attachment B in Resolution 08-12, modified the maximum nitrogen oxides (NOx) emission level for a new or repowered generator-set switcher locomotive funded under the Program to better reflect available equipment but did not make corresponding modifications to the maximum particulate matter (PM) emission level of 0.1 grams per brake horsepower-hour (g/bhp-hr) identified in the Proposed Program Guidelines;

WHEREAS, it was the intent of ARB staff to set the new generator-set switcher locomotive emission requirements to achieve the greatest verifiable NOx and PM emission reductions and to allow equipment produced by more than one manufacturer to be eligible under the Program Guidelines to foster competition and assure an adequate supply of equipment;

WHEREAS, following the Board's action on February 28, 2008, ARB staff re-evaluated the U.S. Environmental Protection Agency engine certification test results for generator-set switcher locomotives and found that only one locomotive engine manufacturer had certified engines at emission levels meeting the Program Guidelines;

WHEREAS, ARB staff recommends modifying the PM emission level for switcher locomotives in the Program Guidelines for expenditure of FY2007-2008 funds to 0.14 g/bhp-hr or less; and

WHEREAS, considering ARB staff's recommendation, the Executive Officer finds that it is desirable that new generator-set switcher locomotives eligible for Program funding be available from two or more manufacturers, consistent with the modifications adopted by the Board on February 28, 2008, and that an emission level of 0.14 g/bhp-hr or less for PM will foster competition among manufacturers.

NOW, THEREFORE, BE IT ORDERED that pursuant to the delegation of authority by the Board in Resolution 08-12, the Executive Officer hereby adopts a modification to Appendix C, page C-1, of the adopted Program Guidelines such that the equipment project specifications for "Option (1): Switcher Locomotive" would read as follows:

"Partial funding for the lower of 50% or \$750,000 per locomotive to replace, rebuild, or repower an uncontrolled, Tier 0 or Tier 1 switcher locomotive with a new generator-set that achieves emissions of 3.5 g/bhp-hr or less for NO_x, and 0.14 g/bhp-hr or less for PM, or an alternative technology with equivalent emission levels using U.S. EPA engine certification test results with ARB verification. Eligible locomotive costs include a new chassis, a new or rebuilt engine, and mechanical/electrical systems components necessary for safe operation."

BE IT FURTHER ORDERED that the Executive Officer directs staff to include this modification, along with any proposed revisions for FY 2008-2009 funds, at the next noticed Board hearing to consider changes to the adopted Program Guidelines as directed in Resolution 08-12.

Executed this 17th day of June, 2008, at Sacramento, California.

Michael H. Scheible signed for

James N. Goldstene
Executive Officer